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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LERROY A. LOVELACE,	)	
Plaintiff,	)	Civil Action No. 7:03cv00395
	)	
v.	)	<u>ORDER</u>
	)	
JACK LEE, <u>et al.</u> ,	)	By: Hon. Jackson L. Kiser
Defendants.	)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that defendants' motion for summary judgment is **GRANTED** as to plaintiff's claims pursuant to the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc et seq., and his free exercise claims pursuant to 42 U.S.C. § 1983; plaintiff's claims seeking injunctive relief against the Warden of Keen Mountain Correctional Center on those grounds are hereby **DISMISSED**.

The Warden's motion for summary judgment on plaintiff's procedural due process claims pursuant to 42 U.S.C. § 1983 is **TAKEN UNDER ADVISEMENT** for a period of ten days from the entry of this order, within which the Warden shall submit documentation to this court that she has, in fact, promulgated a rule that correctional officers must have verified a pass list participant's identification, by use of the participant's identification card, before the participant may be removed from the pass list for breaking his accommodated religious fast.\* Failure to submit such documentation will result in the denial of the Warden's motion for summary judgment on plaintiff's due process claim, and the claim will be transferred to the appropriate district court for further action.

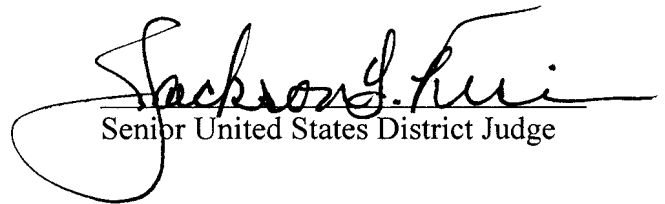
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\* If the Warden chooses, such documentation may be submitted to the court in confidence, under seal, if warranted by legitimate security reasons.

Plaintiff's claims that Officer Lester acted intentionally to deny plaintiff his rights under RLUIPA and the free exercise clause of the First Amendment will be set for a jury trial in the Abingdon Division of the Western District of Virginia. Accordingly, the case is hereby **TRANSFERRED** to the docket of the Honorable James P. Jones, Chief United States District Judge for the Western District of Virginia, for further action. Officer Lester is hereby **DIRECTED** to file an answer to the complaint within ten days of the entry of this order.

The Clerk of the Court is directed to send certified copies of this order and accompanying memorandum opinion to plaintiff and to counsel of record for the defendants.

**ENTER:** This 24<sup>th</sup> day of August, 2007.

  
Senior United States District Judge